



5/12/05

MESSAGES FROM THE HOUSE

SB 69 (Birkholz)

SB 69 would allow suspended students to attend strict discipline academies (special charter schools) for the duration of their suspensions from their 'home' schools. The House Committee on Education added two amendments to the Senate-passed version of the bill. First, all references to the Family Independence Agency were updated to refer to the Department of Human Services. Second, the bill was amended to specify that a suspended student could attend a strict discipline academy only for the duration of the suspension.

- The Senate concurred with the House changes to SB 69 [RC 120: 37 yes, 0 no].

FINAL PASSAGE

SB 175 (Brown)

SB 434 (Cropsey)

SB 175 would allow for commercial distribution centers to qualify for industrial facilities development districts. Specifically, the bill would allow commercial property that with a building that exceeds 150,000 square feet and is used for warehousing, distribution, or logistic purposes to be a part of the industrial facilities development district. Additionally, the employer must pay an average weekly wage that is equal to or exceeds the average weekly wage of the county as determined by the local governmental unit.

Oppose: Department of Treasury, United Food and Commercial Workers Local 876, AFL-CIO, UAW, SEIU -- This bill would open up the act to retail facilities for the first time, typically retail does not pay wages that are competitive with higher wage manufacturing jobs that this act seeks to encourage.

- *EMERSON 1 & 2 were withdrawn. (5/11)*
- *SB 175 was moved to 3rd Reading.*
- **EMERSON 1 (1 amend) was withdrawn. (5/12)**
- **SB 175 passed [RC 146: 25 yes, 12 no].**

SB 434 would add "distribution centers" to the list of targeted industries which can qualify for a transportation economic development fund grant from the Michigan Department of Transportation.

Oppose: MDOT, UFCW Local 876, SEIU, AFL-CIO, Spartan Stores, Associated Food Dealers.

- EMERSON/Cropsey 1 (1 amend) was adopted. The bill would only apply to distribution centers of at least 500,000 square foot (instead of 750,000 sq/ft).
- SB 434 was moved to 3rd Reading.
- EMERSON 1 (1 amend) was defeated [RC 121: 16 yes (DEMS), 21 no (GOP)]. The amendment would require that, in order to receive taxpayer dollars, qualifying distribution centers pay, on average, at least the average state weekly wage. EMERSON: This would help secure good-paying jobs.
- SB 434 passed [RC 122: 23 yes, 14 no].

SB 189 (Birkholz)

SB 189 would require a retail seller of ephedrine or pseudoephedrine products to maintain them behind a counter, within a locked case, or where the attendant could monitor them, or use an antitheft device on the products along with constant video surveillance. Also, the bill would provide that a retail seller would have to require photo identification for the purchase of an ephedrine or pseudoephedrine product. Pseudoephedrine derived from over-the-counter medications is an important ingredient in the production of the drug methamphetamine.

- Committee 1 (S-2) was adopted.
- Stamas 1A (2 amends) was adopted.
- SB 189 was moved to 3rd Reading.
- SB 189 passed [RC 123: 36 yes, 1 no (Johnson)].

SB 249 (CLARKE)

SB 416 (Cropsey)

SB 463 (Van Woerkom)

SB 464 (Toy)

SR 32 (Gilbert)

SR 33 (Stamas)

ADULT VIDEO GAMES

SB 249 would prohibit a person from selling or renting a violent video game rated. A “violent video game” is defined as: 1) depicting human-on-human violence in which the player kills, seriously injures or otherwise causes serious physical harm to a human or character; 2) and taken as a whole, to the average person, applying contemporary statewide standards, it lacks serious literary, artistic, political, and scientific value and appeals to the minors’ morbid interest in violence. A violation of the bill would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$5,000, or both.

- *Committee 1 (S-4) was adopted. (5/11)*
- *SB 249 was moved to 3rd Reading.*
- *SB 249 passed [RC 143: 33 yes, 4 no]. (5/12)*

SB 416 would prohibit the sale or rental of ultra-violent video games to minors. "Ultra-violent explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film, video game, or similar visual representation that continually and repetitively depicts extreme and loathsome violence, or a book, magazine, or pamphlet that contains such visual representations. An undeveloped photograph, mold, or similar visual material may be ultra-violent explicit material even if processing or other acts are required to make its ultra-violent explicit content apparent.

- *Committee 1 (S-4) was adopted. (5/11)*

- *Cropsey 1A (2 amends) was adopted. Technical amendments.*
- *Cropsey 1B (7 amends) was adopted. This clarifies the bill's impact on internet images.*
- *SB 416 was moved to 3rd Reading.*
- *Cropsey 1 (2 amends) was adopted [no RC]. Clarifying languages to protect the cable industry. (5/12)*
- *SB 416 passed [RC 142: 35 yes, 2 no].*

SB 463 would prohibit disseminating, exhibiting, or displaying sexually explicit video games to minors. Under the bill, "video game" would mean a computer or other electronic device or computer program that stores or receives data or instructions generated by a person using the device or program, and by processing the data or instructions, creates an interactive game capable of being played, viewed, or otherwise experienced by an individual. The bill also would define "computer", "computer network", "computer program", "computer system", and "device".

- *Committee 1 (2 amends) was adopted. (5/11)*
- *SB 463 was moved to 3rd Reading.*
- *SB 463 passed [RC 144: 37 yes, 0 no]. The vote was reconsidered to adopt the Cropsey amendment. (5/12)*
- *Cropsey 1 (2 amends) was adopted [no RC]. Technical amendment.*
- *SB 463 passed [RC 147: 33 yes, 0 no].*

SB 464 would provide immunity from prosecution to a person who in good faith disseminated or displayed sexually-explicit matter to a minor. The person would be immune from prosecution if he or she abided by the rating system and did not sell to a minor matter that was prohibited from being disseminated or displayed to minors under the rating system. A rating system would include, but would not be limited, to the rating system for video games created by the Entertainment Software Rating Board or the rating system for motion pictures created by the Motion Picture Association of America.

- *Committee 1 (S-2) was adopted. (5/11)*
- *Cropsey 1A (1 amend) was adopted.*
- *SB 464 was moved to 3rd Reading.*
- *Cropsey 1 (2 amends) was adopted [no RC]. Clarifying languages to protect the cable industry. (5/12)*
- *SB 464 passed [RC 145: 37 yes, 0 no].*

SR 32 would urge the Video Software Dealers Association and the Entertainment Software Ratings Board to increase efforts to enforce compliance with ratings systems for violent video games.

- *SR 32 was adopted [no RC].*

SR 33 would memorialize the Congress of the United States to review the sale of violent video games to children.

- *SR 33 was adopted [no RC].*

SB 302 (BERNERO)

SB 302 would require each State department to report to the Legislature regarding contracts with businesses owned by persons with disabilities. The bill also would require the Department of Management and Budget to review the departments' progress in meeting the goal of awarding at least 3% of total expenditures to such businesses.

- *BERNERO 1 (S-1) was adopted. (5/11)*
- *BERNERO 1A (1 amend) was adopted. Tie-bar to SB 303.*
- *SB 302 was moved to 3rd Reading. No amendments.*
- **SB 302 passed [RC 133: 37 yes, 0 no]. (5/12)**

SB 303 (Toy)

SB 303 would require the Department of Management and Budget (DMB) to give a preference to a qualified disabled veteran of up to 10% of the amount of a competitively bid contract for items needed by State agencies. The bill would make it the goal of the Department to award each year at least 3% of its total expenditures for construction, goods, and services to qualified disabled veterans.

- *Toy 1 (S-1) was adopted. (5/11)*
- *Toy 1A (1 amend) was adopted. Tie-bar to SB 302.*
- *SB 303 was moved to 3rd Reading.*
- **SB 303 passed [RC 134: 37 yes, 0 no]. (5/12)**

SB 352 (Hardiman)

HB 4405 (WHITMER)

HB 4434 (Hummel)

Together, the bills would enable pharmacies located in Michigan to sell, distribute, and deliver prescription drugs when the prescription is received by mail and allow pharmacies to perform centralized prescription processing services or outsource such services to other pharmacies.

Support: Michigan Department of Community Health, Michigan Chamber of Commerce, Detroit Regional Chamber of Commerce, AARP, International Union-UAW, Michigan Nurses Association, Michigan Pharmacists Association, Michigan Osteopathic Association -- At least 33 states have passed legislation to allow centralized prescription processing services (or "central fill" centers). These services allow a local pharmacy to contract with a larger central processing service for certain services.

SB 352 would allow a pharmacy to perform centralized prescription processing services or outsource those services to another pharmacy if certain conditions were met. Specifically, a pharmacy that performed, or contracted for, centralized prescription processing services would have to maintain a policy and procedures manual, along with documentation that implementation was occurring, and each would have to be made available to the Michigan Board of Pharmacy for inspection and review upon request.

- *Committee 1 (S-1) was adopted. (5/11)*
- *SB 352 was moved to 3rd Reading.*
- **JACOBS 1 (1 amend) was defeated [RC 130: 16 yes (DEMS), 21 no (GOP)]. Central fill centers would have to be located in Michigan, beginning in 2007. This would help create jobs in Michigan. (5/12)**
- **SB 352 passed [RC 131: 37 yes, 0 no].**

HB 4405 would eliminate a provision prohibiting a pharmacist from using the mail to sell, distribute, or deliver a prescription drug when the prescription is received by mail.

- *Committee 1 (S-1) was adopted. (5/11)*
- *HB 4405 was moved to 3rd Reading.*
- **HB 4405 passed with IE [RC 132: 37 yes, 0 no]. (5/12)**

HB 4434 would allow a pharmacy to perform "centralized prescription processing services," or to outsource those services to another pharmacy, if certain conditions are satisfied.

- *Committee 1 (S-1) was adopted. (5/11)*
- *HB 4434 was moved to 3rd Reading.*
- **HB 4434 passed with IE [RC 129: 37 yes, 0 no]. (5/12)**

SB 358 (Hardiman)

SB 359 (Garcia)

SB 358 would create the "Life Science Investment Authority" to be housed within the Department of Treasury. The authority would be responsible for the financing and overall aid of the development and commercialization of life science products through the issuance of loans, leases, bonds, notes, letters of credit, or other indebtedness.

- *Committee 1 (S-1) was adopted. (5/11)*
- *SB 358 was moved to 3rd Reading.*
- **SB 358 passed [RC 140: 37 yes, 0 no]. (5/12)**

SB 359 would create of the Biosciences Research and Commercialization Center (BRCC) located at Western Michigan University. The center is responsible for coordinating research initiatives, providing an organizational home for scientists, and promoting the research and commercialization of life sciences. BRCC would establish and operate the Michigan Life Science Pipeline. The pipeline would be responsible for the following: 1) Recruit Michigan based companies involved in life science research and commercialization. 2) Market the services of the pipeline to develop business for members. 3) Assist members of the pipeline to develop life science research and commercialization.

- *Committee 1 (S-1) was adopted. (5/11)*
- *SB 359 was moved to 3rd Reading.*
- **SB 359 passed [RC 141: 37 yes, 0 no]. (5/12)**

SB 399 (Van Woerkom)

SB 399 would allow for fee reductions prescribed in the Clean Corporate Citizen program, Radiation Control program, and Medical Waste program. The total fiscal impact for this program is estimated at \$50,000.

Support: Michigan Manufacturers Association, Detroit Regional Chamber.

Oppose: DEQ, Michigan Environmental Council -- The C3 Program exists currently in administrative rules which allows for some flexibility in the program and does not include fee reductions. Putting the program in statute will take away the department's flexibility and make it a cost-ineffective regulatory program.

- *SB 399 was moved to 3rd Reading. No amendments. (5/11)*
- **SB 399 passed [RC 128: 21 yes, 16 no]. (5/12)**

SB 438 (PRUSI)

SB 438 would transfer \$81.3 million from the Rainy Day Fund to the state's general funds. As part of the 2003-04 final budget book-closing, \$81.3 million was transferred to the Rainy Day Fund. Senate Bill 438 would transfer this funding back to the General Fund.

- *Committee 1 (S-1) was adopted. (5/11)*
- *SB 438 was moved to 3rd Reading.*
- **SB 438 passed [RC 127: 37 yes, 0 no]. (5/12)**

HB 4225 (Gaffney)

HB 4225 would lower the population threshold from one million to 750,000, allowing the Detroit Public Library to regain its cooperative designation, and receive its library aid directly from the state, rather than through the southeastern cooperative Detroit joined in 2003 in order to avoid losing state funds.

- *HB 4225 was moved to 3rd Reading. No amendments. (5/11)*
- **HB 4225 passed with IE [RC 126: 37 yes, 0 no]. (5/12)**

HB 4272 (Moore)

HB 4273 (Elsenheimer)

HBs 4272-73 would allow local units of government to supply U.S. flags and flag holders for graves in cemeteries within their boundaries that do not belong to the local units. Local units of government cannot spend money on flag holders and flags in private and religious cemeteries without statutory authorization, which currently does not exist. These bills would allow (but not require) counties, cities, and townships to honor local residents who are veterans by placing U.S. flags in cemeteries that are not under their control. Michigan Townships Association and the Michigan Municipal League both indicated that their organizations have no position on the bills.

Support: American Legion, Military Order of the Purple Heart, Catholic War Veterans.

HB 4272:

- *HB 4272 was moved to 3rd Reading. No amendments. (5/11)*
- **HB 4272 passed with IE [RC 124: 37 yes, 0 no]. (5/12)**

HB 4273:

- *HB 4273 was moved to 3rd Reading. No amendments. (5/11)*
- **HB 4273 passed with IE [RC 125: 37 yes, 0 no]. (5/12)**

HB 4450 (Robertson)

HB 4451 (Green)

HB 4452 (HUNTER)

HB 4453 (DILLON)

HB 4454 (Hune)

House Bills 4450-4453 would each, generally speaking, specify that receipt by the secretary of state of a properly tendered application for a certificate of title on which a security interest is to be indicated is a perfection of a security interest in the vehicle and is equivalent to filing a financing statement under the Uniform Commercial Code with respect to the vehicle. The bills specify that when a security interest in a vehicle is perfected, it has priority over the rights of a lien creditor.

Support: SOS, Michigan Bankers Association, Michigan Credit Union League.

HB 4450:

- *Committee 1 (2 amends) was adopted. (5/11)*
- *HB 4450 was moved to 3rd Reading.*
- **HB 4450 passed with IE [RC 135: 37 yes, 0 no]. (5/12)**

HB 4451:

- *Committee 1 (2 amends) was adopted. (5/11)*
- *HB 4451 was moved to 3rd Reading.*
- **HB 4451 passed with IE [RC 136: 37 yes, 0 no]. (5/12)**

HB 4452:

- *Committee 1 (S-1) was adopted. (5/11)*
- *HB 4452 was moved to 3rd Reading.*
- **HB 4452 passed with IE [RC 137: 37 yes, 0 no]. (5/12)**

HB 4453:

- *Committee 1 (2 amends) was adopted. (5/11)*
- *HB 4453 was moved to 3rd Reading.*
- **HB 4453 passed with IE [RC 138: 37 yes, 0 no]. (5/12)**

HB 4454:

- *HB 4454 was moved to 3rd Reading. No amendments. (5/11)*
- **HB 4454 passed with IE [RC 139: 37 yes, 0 no]. (5/12)**

THIRD READING

SB 306 (Birkholz)

SB 306 would convey three parcels of land currently under the jurisdiction of the Department of Management and Budget to the Grand Ledge school district.

- **SB 306 was moved to 3rd Reading. No amendments.**